

REMARKS

A final Office Action was mailed on September 22, 2004. Claims 1 – 11 are pending in the present application. With this Response, Applicants amend claims 1, 3 and 4. No new matter is introduced. Support may be found, for example, in Applicants FIGs. 3 and 4, and in Applicants' specification at page 8, line 3 through page 9, line 16 and at page 13, lines 24 – 27.

ALLOWABLE CLAIMS

Applicants thank the Examiner for indicating that claims 2 and 5 - 11 are currently allowed, and that claim 4 is objected to as being dependent on rejected base claim 3, but would be allowable if rewritten to include all of the limitations of claim 3. Applicants amend claim 4 to include the limitations of former claim 3, and respectfully request that the objection be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 3 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,147,976 to Shand et al. Applicants amend claims 1 and 3 to further clarify the nature of their invention, and respectfully traverse this rejection.

In amended independent claim 1, for example, Applicants disclose:

1. A method of transmitting an ICMP (Internet Control Message Protocol) data frame to a transmission source in response to an IP (Internet Protocol) data frame received from the transmission source when detecting a failure of the IP data frame, said method comprising the steps of:

storing information about necessity of generating the ICMP data frame for each attribute of the ICMP data frame corresponding to a type of the failure;

determining the necessity of generating the ICMP data frame based on said stored information and a cause of the failure of the IP data frame, which cause is received when the failure is detected;

generating the ICMP data frame if it is determined that generation of the ICMP data frame is necessary; and

transmitting the ICMP data frame to the transmission source if the ICMP data frame is generated.

Shand discloses a fast network packet filtering system (see, e.g., abstract of Shand). As part of the filtering process, the system decides by means of a filtering matrix whether a user should be notified via an ICMP packet as to a condition of and action taken in regard to a received packet (see, e.g., Shand at step 150 of FIG. 7 and column 16, lines 42 – 49). The filtering matrix as disclosed by Shand is indexed by identification information of the received packet, for example, such as a source domain identifier, a destination domain identifier, and a protocol index associated with a received packet (see, e.g., Shand at column 2, lines 63 to 65).

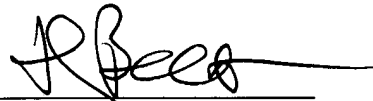
In sharp contrast to the method associated with the filtering matrix disclosed by Shand, Applicants' method as disclosed in amended independent claim 1 includes the step of determining whether generation of an ICMP data frame is necessary based on "information about [the] necessity of generating [an] ICMP data frame for each attribute of the ICMP data frame corresponding to a type of the failure" and "a cause of the failure of the IP data frame, which cause is received when the failure is detected". In other words, unlike Applicants' claimed invention, Shand fails to disclose a filtering matrix that is indexed on the basis of attributes of the ICMP data frame and on the basis of the type of failure associated with the IP data frame. Accordingly, Applicants respectfully

submit that amended independent claim 1 is not anticipated by Shand, and is in condition for allowance. In addition, Applicants substantially reapply the above arguments to submit that amended independent claim 3 is not anticipated by Shand, and in condition for allowance.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 - 11, which include independent claims 1 - 4, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

PHONE: (212) 940-8800/FAX: (212) 940-8776
DOCKET No.: 100794-11664 (FUJI 18.445)